

NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. Sections 6172 and 6192

RULE REPEAL AND PROMULGATION: DMR Regulation 95.05 FF, Closed Area No. 28-I, Weskeag River, South Thomaston and Owls Head, promulgated October 4, 2002 is repealed and replaced with the following rule:

TEXT OF RULE: DMR Regulation 95.05 FF, Closed Area No. 28-I, Weskeag River, South Thomaston and Owls Head.

1) Effective immediately because of pollution it shall be unlawful to dig, take or posses any clams, quahogs, oysters, or mussels taken from the shores, flats and waters north and west of a line drawn across the Weskeag River, beginning at the western tip of Hayden Point continuing southwest to the northern tip of Coombs Island thence running southeast to a red painted post on an unnamed point of land on the opposite shore. This area is classified as restricted for shellfish harvesting and requires a special MDMR permit.

2) Effective immediately because of pollution it shall be unlawful to dig, take or posses any clams, quahogs, oysters, or mussels taken from the shores, flats and waters of the southeastern tributary of Ballyhac Cove, in the town of Owls Head, inside of a line drawn from a red painted post on the northern shore, running south to a red painted post located on the small point on the opposite shore.

3) Effective immediately because of pollution it shall be unlawful to dig, take or posses any clams, quahogs, oysters, or mussels taken from the shores, flats and waters inside of a line drawn west from a red painted post on the prominent un-named point on the southeastern portion of Ballyhac Cove in the town of Owls Head across Ballyhac Cove to the most southeastern point on the opposite shore in the town of South Thomaston, and continuing southeast to a red painted post on the opposite shore in the town of Owls Head.

Violation of any provision of this regulation shall be a Class D Crime (12 M.R.S.A. Section 6204)

EFFECTIVE DATE: March 10, 2004

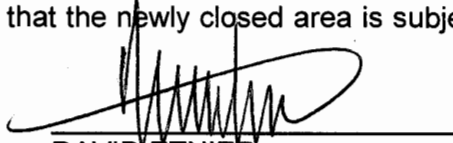
AGENCY CONTACT PERSON: Amy M Fitzpatrick
Department of Marine Resources
194 McKown Point Road
West Boothbay Harbor, ME 04575

THE COURIER GAZETTE
March 13, 2004

STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources repeals the emergency DMR regulation 95.05 FF, Closed Area No. 28-I, Weskeag River, South Thomaston and Owls Head, promulgated on October 4, 2002, and enacts a new regulation. This new regulation enlarges the size of the restricted area on the Weskeag River that requires a special permit. It also reconfigures the closure lines on the southeastern shore of Ballyhac Cove to better represent the closed area in the towns of South Thomaston and Owls Head.

Department personnel have determined that the newly closed area is subject to microbiological pollution.



DAVID ETNIER
DEPUTY COMMISSIONER



Maine Department of Marine Resources

Legal Notice of Shellfish Closure Area

3/10/04

C28I Weskeag River, S. Thomaston & Owls Head

